

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JOB'S DAUGHTERS INTERNATIONAL,

Plaintiff,

v.

HEIDI YOAST,

Defendant.

NO. 16-cv-1573-RSL

DECLARATION OF KATHLEEN  
WIEKHORST

HEIDI YOAST,

Counterclaim-Plaintiff,

v.

JOB'S DAUGHTERS INTERNATIONAL,  
SHELLY COLE aka SHELLY HOWRIGON,  
an individual, ROD REID, an individual,

Counterclaim-Defendants.

Being duly sworn under her oath, Kathleen Wiekhorst states as follows:

1. My name is Kathleen Wiekhorst. From 2013 through 2016 I served on the Board of Trustees for Job's Daughters International ("JDI"). During that same timeframe, I also served as the Trademark Liaison for the Board of Trustees. These were volunteer positions. I am over the age of twenty-one (21) and under no legal disability.

2. I have personal knowledge of the facts set forth herein and if called to testify would state and allege the following.

DECLARATION OF KATHLEEN WIEKHORST  
(16-cv-1573-RSL )

Williams, Kastner & Gibbs PLLC  
601 Union Street, Suite 4100  
Seattle, Washington 98101-2380  
(206) 628-6600

1           3.       On April 1, 2014 I sent a cease and desist letter to Heidi Yoast. I attached a copy  
2 of the relevant portion of the JDI Constitution and Bylaws that dealt with use of the JDI  
3 trademarks (known as SI-3) to the letter. A true and accurate copy of that letter and the  
4 attachment is attached hereto as Exhibit A.

5           4.       The April 1, 2014 letter was sent in response to a proposal Ms. Yoast made to be  
6 a vendor at the 2014 Supreme Session meetings. This was the first time that JDI became aware  
7 that Ms. Yoast was improperly utilizing JDI's trademarks.

8           5.       Ms. Yoast continued to utilize the JDI trademarks after receiving the April 1,  
9 2014 letter. I was able to personally confirm this by reviewing images and advertising put on  
10 Ms. Yoast's website and social media pages.

11           6.       Due to Ms. Yoast's continued use of the JDI trademarks, on or about December  
12 30, 2015, I sent a second cease and desist letter to Ms. Yoast. I sent the December letter to the  
13 same address I sent the April 2014 letter. A true and accurate copy of that letter is attached  
14 hereto as Exhibit B.

15           7.       Ms. Yoast continued to utilize the JDI trademarks after receiving the December  
16 30, 2015 letter. Again, I was able to personally confirm this by reviewing images and  
17 advertising put on Ms. Yoast's website and social media pages.

18           8.       During the March 2016 mid-year meeting in Las Vegas, NV, I received  
19 permission from the JDI Board of Trustees to attempt to reach out to Ms. Yoast to discuss her  
20 continued use of the JDI trademarks. Shortly after that meeting, I attempted to contact Ms.  
21 Yoast via both Facebook and telephone to discuss her use of the JDI trademarks. I never  
22 received a response from Ms. Yoast.

23           10.      To date, I have never personally spoken with Ms. Yoast about her use of the JDI  
24 trademarks. I have never verbally informed Ms. Yoast that she could use the terms "Job's  
25 Daughters" "IYOB FILIAE" of "JDI" on any goods she created without first getting approval  
26 from the Board.

27 DECLARATION OF KATHLEEN WIEKHORST (16-cv-1573-RSL )

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11. At no point during my time as the JDI Trademark Liaison, did JDI provide Ms. Yoast with permission to use the terms “Job’s Daughters” “IYOB FILIAE” of “JDI” on any goods she created or for advertising purposes.

12. Ms. Yoast's use of the terms "Job's Daughters" "IYOB FILIAE" and "JDI" without permission from 2014 through 2016 was a direct violation of the JDI Constitution and Bylaws. While the relevant trademark rules were modified in 2016 to allow members the ability to use JDI's unregistered marks without permission, Ms. Yoast's use of those marks for commercial purposes and/or advertising would have still been a violation of the revised 2016 rules. A true and accurate copy of the pre-2016 JDI trademark rules are attached to Exhibit A (sent as attachment to Ms. Yoast in my April 4, 2014 letter) and the post 2016 JDI trademark rules are attached hereto as Exhibit C.

13. I have reviewed Ms. Yoast's statements that she received permission from various JDI members prior to creating the 14 soft goods identified in deposition Exhibit 65.<sup>1</sup> I have reviewed the records of JDI and believe the only individuals or JDI members identified by Ms. Yoast that requested and received approval from JDI to utilize the JDI trademarks were Brianna Hall and Susan Rial.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and recollection.

DATED this 23<sup>rd</sup> day of March at Green River, Wyoming.

Kathleen E. Wiekhorst  
Kathleen Wiekhorst

<sup>1</sup> While I understand that 15 total images are included in Exhibit 65, it is my understanding that Ms. Yoast did not create the image on page 11 and therefore only created 14 of the 15 images included as Exhibit 65.

CERTIFICATE OF SERVICE

I hereby certify that on March 26, 2018, I electronically filed the foregoing with the Clerk of the court using the CM/ECF system which will send notification of such filing to the following:

Rodney L Umberger, Jr    rumberger@williamskastner.com, ssanh@williamskastner.com

Daniel Velloth    dvelloth@williamskastner.com, dlevitin@williamskastner.com,  
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Brian T. McKernan    bmckernan@mcgrathnorth.com

Patricia I. Forman    patriciaforman@gmail.com

Tracey v. Munger    tracey@groveslawoffices.com

DATED this 26th day of March, 2017.

s/ Rodney L. Umberger

s/ Daniel J. Velloth

Rodney L. Umberger, Jr., WSBA #24948

Daniel J. Velloth, WSBA #44379

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Job's Daughters International

DECLARATION OF KATHLEEN WIEKHORST (16-cv-1573-RSL )

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Seattle, Washington 98101-2380  
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*Job's Daughters International  
Supreme Guardian Council*

*Kathleen E. Wiekhorst  
Trademark Liaison, Board of Trustees*

*Heidi Yoast  
Pink Power Printing  
Maple Valley, Washington  
425-295-4324*

*April 1, 2014*

*Dear Heidi,*

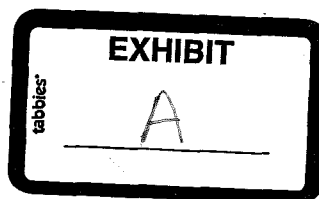
*Thank you so much for extending the opportunity to us; we certainly appreciate your interest. However, Doc Morgan and the specific SAC committees are the only booths that we can have during the Supreme Session.*

*I am enclosing the portion of our constitution that deals with the trademark and its use. In order for you to use the trademark to sell merchandise you must submit a request or email me, often with a picture of the item. I keep this for our records. Anytime you do use the logos, words/letters... Job's Daughters, JD;, a royalty of 20% must be sent to the Supreme Office.*

*Thank you again for your interest and am so glad you are still involved in our wonderful Order. I have been a Job's Daughter now for 48 years, so certainly do appreciate your dedication.*

*Sincerely,*

*Kathleen E. Wiekhorst  
Board of Trustees, Job's Daughters International  
Trademark Liaison  
180 Cedar Street  
Green River, WY 82935  
307-875-7269 or 307-389-8073*



*DAH 59*

JDI\_000060

**2010 SI-3**

**SUPPLEMENTAL INSTRUCTION NUMBER 3**

**OFFICIAL TRADEMARK AND ITS USE**

1.

(a) The **THREE POINT** emblem Trademark of our Order: The Trademark referred to consists of a double triangle enclosing a replica of three girls wearing robes, capes, and crowns holding a cornucopia, dove, and urn within the inner triangle, and the words "TYOB FILIAE" at the base between the inner and outer triangle. This is the OFFICIAL EMBLEM.

(b) The **JDI Logo** - Corporate emblem of Job's Daughters International. The Trademark referred to consists of a double triangle enclosing the letters J and D and the word "International" at the base of the triangle. This is the Corporate Logo.

(c) The name "**Job's Daughters International**" is a registered Trademark of the Order.

(d) The names and phrases "Job's Daughters", "TYOB FILIAE", "Daughters of Job", "International Order of Job's Daughters", "IOJD", "JDI" and "JD International" are protected by Job's Daughters International and by the Board of Trustees from inappropriate use.

Bethels may use the Three Point emblem, the JDI Logo or the Name "Job's Daughters International" for printing stationery, programs, invitations, napkins, and Bylaws without applying for permission.

GGCs and JGCs may use the Three Point emblem, the JDI Logo or the Name "Job's Daughters International" for printing stationery, programs, invitations, napkins, state and province publications, Manuals, and forms for use and for sale to Bethels within their jurisdiction without applying for permission.

For use of the Three Point emblem, the JDI Logo or the Name "Job's Daughters International" for purposed other than those specified, Bethels, GGCs and JGCs must secure and use application, Form 280, to request permission. Permission is granted by a member of the Board so designated as Chairman of Trademark (listed annually in the Supreme Directory) when in compliance with the accepted rules and regulations of the Board. Permission shall expire on August 1st following the date of the approved Form 280. Reapplication may be made from year to year.

2. The **SEVEN POINT** seal of the SUPREME GUARDIAN COUNCIL:

The Trademark is superimposed on a background that has SEVEN POINTS which attach this portion to a circular band inscribed INTERNATIONAL ORDER OF JOB'S DAUGHTERS.

Its use is restricted to stationery and other printed matter distributed by the SGC as directed by the Supreme Guardian and Board of Trustees.

3. The **FIVE POINT** seal of GRAND GUARDIAN COUNCILS:

The Trademark is superimposed on a background that has FIVE POINTS which attach this portion to a circular band inscribed over the top GRAND GUARDIAN COUNCIL, and at the bottom, the name of the GGC.

Its use is restricted to stationery and other printed matter distributed by the GGC, named, and considered official or sanctioned by the Grand Guardian.



*Job's Daughters International  
Supreme Guardian Council*

*Kathleen E. Wiekhorst  
Trademark Liaison, Board of Trustees*

*Heidi Yoast  
Pink Power Printing  
Maple Valley, Washington  
425-295-4324*

**December 30, 2015**

***It has come to our attention that articles are being offered for sale with the name "Job's Daughters" on the Go Jobies Facebook page, as well as other items using our trademarks.***

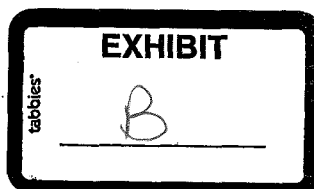
***There is a strict procedure in place for using the Job's Daughters trademarks (including both registered and not registered trademarks). I am enclosing a copy of our trademark rules which are in alignment with the U.S. Government. Since this procedure was not followed on these articles you must cease and desist with the sale of these items immediately.***

***One of the main responsibilities of the Board of Trustees of Job's Daughters International is to protect our name and trademarks. At times, our diligence may not be welcome but it is vital we carefully monitor how and where our name and trademarks are being used.***

***Thank you for your prompt attention to this matter.***

***Kathleen E. Wiekhorst, PHQ, PGG  
Trademark Liaison, Board of Trustees***

***Enclosure: SI-3 Trademark***



EXH 58

### SUPPLEMENTAL INSTRUCTION NUMBER 3 OFFICIAL TRADEMARK AND ITS USE

1.



(a) The **THREE POINT** emblem - Trademark of our Order: The Trademark referred to consists of a double triangle enclosing a replica of three girls wearing robes, capes, and crowns holding a cornucopia, dove, and urn within the inner triangle, and the words "IYOB FILIAE" at the base between the inner and outer triangle. This is the **OFFICIAL EMBLEM** and is a registered trademark of Job's Daughters International.



(b) The **JDI Logo** - Corporate emblem of Job's Daughters International: The Trademark referred to consists of a double triangle enclosing the letters J and D and the word "International" at the base of the triangle. This is the Corporate Logo and is a registered trademark of Job's Daughters International.

(c) The name "**Job's Daughters International**" is a registered Trademark of Job's Daughters International.

(d) "Job's Daughters", "IYOB FILIAE", "Daughters of Job", "International Order of Job's Daughters", "IOJD", "JDI" and "JD International" are all trademarks of Job's Daughters International and shall not be used without permission from the Board of Trustees.

Bethels may use the Three Point emblem, the JDI Logo or the Name "Job's Daughters International" for printing stationary, programs, invitations, napkins, and Bylaws without applying for permission.

GGCs and JGCs may use the Three Point emblem, the JDI Logo or the Name "Job's Daughters International" on stationery, programs, invitations, napkins, state and province publications, Manuals, and forms for use and for sale to Bethels within their jurisdiction without applying for permission.

For use of the Three Point emblem, the JDI Logo, the Name "Job's Daughters International", and/or the trademarks set forth in 1 (d) above, by Bethels, GGCs, and JGCs for purposes other than those specified above, Form 280 must be used to request permission.

Permission is granted by a member of the Board so designated as Chairman of Trademark (listed annually in the Supreme Directory) when in compliance with the accepted rules and regulations of the Board. Permission shall expire on August 1st following the date of the approved Form 280. Reapplication may be made from year to year.

2. The **SEVEN POINT** seal of the SUPREME GUARDIAN COUNCIL:



The Trademark is superimposed on a background that has SEVEN POINTS which attach this portion to a circular band inscribed INTERNATIONAL ORDER OF JOB'S DAUGHTERS.

Its use is restricted to stationery and other printed matter distributed by the SGC as directed by the Supreme Guardian and Board of Trustees.

3. The **FIVE POINT** seal of GRAND GUARDIAN COUNCILS:



The Trademark is superimposed on a background that has FIVE POINTS which attach this portion to a circular band inscribed over the top GRAND GUARDIAN COUNCIL, and at the bottom, the name of the GGC.

Its use is restricted to stationery and other printed matter distributed by the GGC, named, and considered official or sanctioned by the Grand Guardian.



## POL-BOT-4

## OFFICIAL TRADEMARKS AND THEIR USAGE

This policy outlines the overall requirements, guidance and procedures relating to the use of registered and other trademarks throughout the organization of Job's Daughters International. There are currently three (3) registered trademarks and seven (7) other trademarks approved for usage.

## Section 1: Registered Trademarks



(a) The Three Point emblem: This Trademark consists of a double triangle enclosing a replica of three girls wearing robes, capes, and crowns holding a cornucopia, dove, and urn within the inner triangle, and the words "IYOB FILIAE®" at the base between the inner and outer triangle. This is a registered trademark of Job's Daughters International. Its use is mainly found on jewelry and official documents.



Variations of the Three Point emblem include the Registered Trademark superimposed on a background that has SEVEN POINTS which attach the Trademark to a circular band inscribed Supreme Guardian Council JDI. The use of this mark is restricted to stationary and other printed matter distributed by the SGC or as directed by the Trademark Liaison of the Board of Trustees or the Executive Manager.

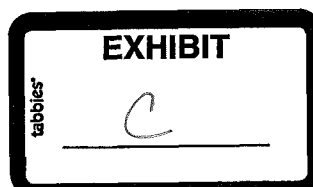


The second variation of the Three Point emblem includes the Registered Trademark superimposed on a background that has FIVE POINTS which attach the Trademark to a circular band inscribed Grand Guardian Council. The use of this mark is restricted to stationary and other printed matter distributed by the GGC or sanctioned by the Grand Guardian.



(b) The JD International Trademark consists of a double triangle enclosing the letters J and D and the word "INTERNATIONAL®" at the base of the triangle. This is a registered trademark of Job's Daughters International.

(c) The name "Job's Daughters International ®" is a registered Trademark of Job's Daughters International.





Variations of the name “Job’s Daughters International®” include the three daughters silhouette brand adopted in 2017. When the word “International” is combined with this mark (i.e. “Job’s Daughters International ®”) it becomes a registered trademark. When the mark is used with the three Daughters and the words “Job’s Daughters” it is still regarded as a trademark.

#### **Instructions for Usage of Registered Trademarks (a) (b) and (c) above:**

Committees of the SGC, GGCs, JGCs and Bethels may use the Registered Trademarks listed in (a), (b) and (c) above without requesting permission on stationary, programs, invitations, napkins, Bylaws, forms, promotion banners, event flyers, business cards, web and social media pages.

Using the Registered Trademarks on any item, other than those listed in the above paragraph, will require permission from the Trademark Liaison of the Board of Trustees using Form 280.

Supreme Session Arrangement Committees (SACs) may use Registered Trademarks of Job’s Daughters International without requesting permission.

When requesting permission to use the Registered Trademarks on jewelry items or items already produced by Doc Morgan Inc. (DMI), you must give DMI first right of refusal by requesting a bid from them.

If the GGC, JGCs and Bethels wish to use the Registered Trademarks on items that will be sold for profit, they will pay a trademark usage fee to the SGC, unless these items are ordered through Doc Morgan Inc. (DMI). Approval of the Form 280 is contingent on the receipt of the trademark usage fee. If the items are being used to promote Job’s Daughters and not sold for profit, you will still need to use Form 280 to request permission, however the trademark usage fee will be waived.

When you use DMI for your items, you will not need to seek permission from the Trademark Liaison of the Board of Trustees.

Once the trademark usage fee has been paid, and Form 280 approval given, the GGC, JGC or Bethel may contract with a vendor to produce the items. Please note that the vendor is limited to that usage only. Trademark usage is granted for one year from the date of approval. Reapplication may be made from year to year.

Usage of the three (3) Registered Trademarks must contain the ® symbol.

No individual, outside group or vendor may use the 3 Registered Trademarks without written permission from the Trademark Liaison of the Board of Trustees or the Executive Manager.

#### **Section 2: Other Trademarks**

- (a) The names “Job’s Daughters”, “TYOB FILIAE”, “Daughters of Job”, “International Order of Job’s Daughters”, “IOJD”, “JDI” and “JD International” are all trademarks of Job’s Daughters International.

In addition to the names listed in (a) above, variations of these Trademarks include:



#### **Instructions for Usage of the Other Trademarks:**

Committees of the SGC, GGCs, JGCs and Bethels may use the seven other Trademarks, listed in (a) above, without requesting permission.

GGCs, JGCs or Bethels may contract with a vendor to produce items with these seven Trademarks, however that vendor is limited to that usage only.

No individual, outside group or vendor may use any of the 7 Trademarks without SPECIFIC permission from the Trademark Liaison of the Board of Trustees or the Executive Manager.

Supreme Session Arrangement Committees (SACs) may use the other Trademarks of Job's Daughters International without requesting permission.

#### **Section 3. Online Sales**

Items using Registered or other Trademarks may not be sold online (website, social media, auction sites, etc.) except by SGC, DMI or SACs unless authorized by the Board of Trustees.

Board of Trustees authorization to sell approved items online must be requested via letter or email to the Trademark Liaison of the Board of Trustees or the Executive Manager. Online selling approval is contingent on the following minimum criteria:

- Site must be a secure site with controlled access and membership limited to a specific jurisdiction or geographic area.
- Site access must be granted to the Trademark Liaison of the Board of Trustees and the Executive Manager for periodic reviews.
- All funds pertaining to these sales must be collected by the specific JDI recognized entity (GGC, JGC, Bethel, etc.) and not an individual.